

2013 DRAFTING REQUEST

Bill

Received: **2/18/2013** Received By: **rchampag**
Wanted: **Today** Same as LRB:
For: **Emplymnt Reltns, office of state** By/Representing: **Paul Hanks**
May Contact: Drafter: **rchampag**
Subject: **Employ Pub - civil service** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Paul.Hanks@wisconsin.gov**
Carbon copy (CC) to: **Paul.Ostrowski@wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

State Compensation Plan Statutory Changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 2/25/2013			_____			
/1		kfollett 3/4/2013	rschluet 3/4/2013	_____	srose 3/4/2013	srose 6/26/2013	State

FE Sent For:
6/25/2013 12:00:00 AM

<END>

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06/25-2013
(7/1")

<END>

per RAC

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For: **Emplymnt Reltns, office of state**

By/Representing: **Paul Hanks**

May Contact:

Drafter: **rchampag**

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FE Sent For:

<END>

Champagne, Rick

From: Hanks, Paul - OSER <Paul.Hanks@wisconsin.gov>
Sent: Friday, February 15, 2013 2:35 PM
To: Champagne, Rick
Subject: RE: Question
Attachments: Companion Bill Stat Lang 02-15-13.doc

Well Rick, this stuff got 'cleared' far sooner than I thought, so maybe you'll benefit from more time. In that I'm half-time now, either Paul Ostrowski (7-0343), or Kathy Kopp (his boss @ 6-0711) can be contacted for questions or clarifications as you go through this. Thanks for your earlier information, and for your efforts on this, in advance. Have a good weekend sir.

From: Champagne, Rick [<mailto:Rick.Champagne@legis.wisconsin.gov>]
Sent: Thursday, February 07, 2013 11:41 AM
To: Hanks, Paul - OSER
Subject: RE: Question

Hi Paul. Good to hear from you. I can certainly have a completed draft to you by mid-April. My advice is that you get over those changes that you know for sure you want and I can start drafting those right away and then you can try to arrive at final decisions on items that are still in play as quickly as possible. If you know some of the changes now or soon, you can send me those right away and I can prepare drafts on those and then prepare subsequent drafts on subsequent items and then in mid-April roll everything into one draft. I cannot give you an absolute "drop dead" date, since I do not know the level of complexity of the changes you will be seeking, but I am a fairly efficient and quick drafter. Hope this helps.

Rick

From: Hanks, Paul - OSER [<mailto:Paul.Hanks@wisconsin.gov>]
Sent: Thursday, February 07, 2013 11:33 AM
To: Champagne, Rick
Subject: Question

Hi Rick, Paul Hanks from OSER here. I've been asked to contact you regarding a 'timing' question.

As we look ahead to forwarding the next (2013-15) Compensation Plan to JCOER, we are wondering about how much lead time you folks might desire for the crafting of a variety of technical changes/corrections comprising a Bill/Companion Bill. We (OSER & the administration) are in the process of collecting/analyzing the individual items from policy perspectives, and would expect finalization of the list by sometime next month.

We assume you're fairly swamped w/ budget bill stuff right now, or will be, and we wouldn't be approaching JCOER until after the budget bill passes. But if we wanted to have the statutory changes 'in the can' by say the middle of April, what would serve you well (what would you prefer?) in terms of workable LRB lead time?

Thanks for any info you can share sir.

CHAPTER 230

<i>Section</i>	<i>Description</i>	<i>Recommended Action</i>	<i>Rationale</i>
✓ 230.26(1m) *	This section describes the appointment of nonresidents to limited term appointments (L TEs).	Amend (1m)(b) as follows: (a) Except as provided in par. (b), an appointing authority is prohibited from appointing a person who is not a resident of this state to a limited term appointment. (b) The administrator may waive the prohibition under par. (a) if the appointed person's permanent work site is located outside this state.	This administrator would be able to allow the hiring of qualified individuals from bordering states for L TE positions that are, for example, hard to fill or require unique qualifications.
✓ 230.28(4) **	This section describes the probationary periods allowed for state classified employees.	Amend (4) as follows: A person reinstated in an employing unit other than one in which the person previously served in permanent status in the class in which the person is being reinstated, or an employee who transfers from one employing unit to another, or an employee who moves to a different employing unit in conjunction with a voluntary demotion, or a person who had not previously obtained permanent status in class in a supervisory or management position prior to appointment to a supervisory or management position, may be required by the appointing authority to serve a probationary period. Provisions for the duration of such probationary period shall be provided in the rules of the administrator.	The current language does not allow an agency to assign a probation to first time supervisors and managers appointed within the same unit. Probation serves as a safeguard to ensure the employee is able to carry out all assigned duties on a continuing basis.
✓ 230.34(1) *	This section indicates that classified employees and assistant district attorneys who have been with the state 12 months have just cause rights. It also describes job abandonment.	Amend (1) as follows: (a) An employee with permanent status in class or an employee who has served with the state as an assistant district attorney <u>or</u> assistant state public defender attorney for a continuous period of 12 months or more may be removed, suspended without pay, discharged, reduced in base pay or demoted only for just cause. (am) If an employee fails to report for work as scheduled or to contact his or her supervisor, the appointing authority may discipline the employee. If an employee fails to report for work as scheduled, or to contact his or her supervisor for a minimum of 5 consecutive working days, the appointing authority shall consider the employee's position abandoned and may discipline the employee or treat the employee as having resigned his or her position. If the appointing authority decides to treat the position abandonment as a resignation, the appointing authority shall notify the employee in writing that the employee is being treated as having effectively resigned as of the end of the last day worked. (ar) Paragraphs (a) and (am) apply to all employees with	The current language does not reflect what has been in the collective bargaining agreement for assistant state public defender attorneys and what is now in the compensation plan. <i>Note: It is not known if it is appropriate to change the NOTE because it refers to a change made in Act 32, but the change we are making is not part of that Act 32 change.</i>

CHAPTER 230

Section	Description	Recommended Action	Rationale
		<p>permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney or an assistant state public defender for a continuous period of 12 months or more.</p> <p>NOTE: Par. (ar) is affected by 2011 Wis. Acts 10 and 32 and merged by the legislative reference bureau under s. 13.92 (2) (i) effective 7-1-13 to read as shown below. The "(ar)" in brackets was inserted by Act 32 but rendered surplusage by the treatment by Act 10.</p> <p>(ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney for a continuous period of 12 months or more [(ar)].</p>	
<p>230.35(1)(a) *</p>	<p>This section describes the annual leave amounts provided to most FLSA nonexempt state employees.</p>	<p>Amend (a) as follows:</p> <p>Except as provided in subs. (1m), (1r), and (1s), and annual leave provisions in the compensation plan for specific classifications, designated appointing authorities shall grant to each person in their employ, except employees excluded from coverage under this subsection by the department by rule and limited-term employees, based on accumulated continuous state service, annual leave of absence without loss of pay at the rate of:</p> <ol style="list-style-type: none"> 1. One hundred four hours each year for a full year of service during the first 5 years of service; 2. One hundred forty-four hours each year for a full year of service during the next 5 years of service; 2m. One hundred sixty hours each year for a full year of service during the next 5 years of service; 3. One hundred eighty-four hours each year for a full year of service during the next 5 years of service; 3m. Two hundred hours each year for a full year of service during the next 5 years of service; 4. Two hundred sixteen hours each year for a full year of service after 25 years of service. 	<p>Certain classifications (Crafts, Fire/Crash Rescue Specialist, Weekend Nurses) have historically had different annual leave provisions because of their unique jobs or pay structures. This change would allow the Compensation Plan to continue to address annual leave of these unique classifications.</p>
<p>230.35(1)(b) **</p>	<p>This section describes the use of annual leave.</p>	<p>Amend (b) as follows:</p> <p>An employee, with the approval of his or her appointing authority, may anticipate the annual leave which he or she could earn during the current calendar year except that no employee shall be eligible to take annual leave until he or she has completed the first 6 months of a probationary period for an</p>	<p>The intent of the current language is to avoid situations in which new employees use leave and terminate with a negative balance. It does not consider situations in which employees have accrued leave in the unclassified service.</p>

CHAPTER 230

Section	Description	Recommended Action	Rationale
230.35(1m)(b) *	This section describes the annual leave amounts provided to most FL SA exempt state employees	<p>original appointment unless to use annual leave already accrued in an unclassified position.</p> <p>Amend (b) as follows:</p> <p>Am Except as provided in annual leave provisions in the compensation plan for certain classifications, an employee who is not subject to the minimum wage and overtime requirements under the federal Fair Labor Standards Act, 29 USC 201 to 219, shall be entitled to annual leave of absence without loss of pay based upon accumulated continuous state service at the rate of:</p> <ol style="list-style-type: none"> 1. 120 hours each year for a full year of service during the first 5 years of service; 2. 160 hours each year for a full year of service during the next 5 years of service; 3. 176 hours each year for a full year of service during the next 5 years of service; 4. 200 hours each year for a full year of service during the next 5 years of service; 5. 216 hours each year for a full year of service after 20 years of service. <p>Amend (f) as follows:</p> <p>The continuous service of an employee eligible for annual leave under this subsection shall not be considered interrupted if the employee was on an approved leave of absence to participate in providing specialized disaster relief services or if the employee leaves the service and is reemployed by the state in another position covered under this subsection. If reemployed in a position not covered under this subsection the employee shall be required to meet the continuous service requirements of sub. (1)(g). This paragraph applies to all persons who are employees covered under this subsection on or after July 1, 1973. Employees appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall not be required to meet the continuous services requirements of sub. (1) (g) if they are reemployed in a career executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence. Continuous service if reemployment is to a position other than those specified above shall be in accordance with rules of the director.</p>	See 230.35(1)(a), above.
230.35(1m)(f) *	This section covers continuous service of state employees.	<p>Amend (f) as follows:</p> <p>The continuous service of an employee eligible for annual leave under this subsection shall not be considered interrupted if the employee was on an approved leave of absence to participate in providing specialized disaster relief services or if the employee leaves the service and is reemployed by the state in another position covered under this subsection. If reemployed in a position not covered under this subsection the employee shall be required to meet the continuous service requirements of sub. (1)(g). This paragraph applies to all persons who are employees covered under this subsection on or after July 1, 1973. Employees appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall not be required to meet the continuous services requirements of sub. (1) (g) if they are reemployed in a career executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence. Continuous service if reemployment is to a position other than those specified above shall be in accordance with rules of the director.</p>	<p>The current language provides restoration of continuous service for an unlimited duration for those employees in FL SA exempt positions. This changes it back to the original intention, which was to provide unlimited duration to employees in career executive and certain unclassified executive positions (in the same manner as restoration of sick leave for an unlimited duration under s. 230.35(2)).</p>

CHAPTER 230

<i>Section</i>	<i>Description</i>	<i>Recommended Action</i>	<i>Rationale</i>
230.35(1p)	This section covers termination and/or sabbatical leave for state employees.	<p>Amend (1p) as follows:</p> <p>(1p) Except as provided in annual leave provisions in the compensation plan for certain classifications, electing to receive earned annual leave as credit for termination leave or sabbatical leave will be permitted as follows:</p> <p>(a) Employees at the 160-hour, 176-hour, or 184-hour rate under sub. (1) or (1m) may, in the year earned, elect to receive not more than 40 of those hours of earned annual leave as credit for termination leave or as accumulated sabbatical leave.</p> <p>(b) Employees at the 200-hour rate under sub. (1) or (1m) may, in the year earned, elect to receive not more than 80 of those hours of earned annual leave among one or more of these options:</p> <ol style="list-style-type: none">1. Not to exceed 40 hours in cash.2. As credit for termination leave.3. As credit for termination leave;4. As accumulated sabbatical leave. <p>(bm) Employees at the 216-hour rate under sub. (1) or (1m) may, in the year earned, elect to receive not more than 120 of those hours of earned annual leave among one or more of these options:</p> <ol style="list-style-type: none">1. Not to exceed 40 hours in cash.2. As credit for termination leave.3. As accumulated sabbatical leave.(c) Employees with less than the 160-hour rate under sub. (1) or (1m) who have accumulated, at any time during the employee's continuous state service, a minimum of 520 hours of sick leave may elect to receive not more than 40 hours of earned annual leave as credit for termination leave or as accumulated sabbatical leave or both. An election under this paragraph shall be made in the year in which the annual leave is earned.	<p>Crafts historically have not been allowed to convert annual leave to termination and/or sabbatical leave. This change would allow the Compensation Plan to continue to address the termination and/or sabbatical leave of this unique classification.</p>
230.35(3)(am)*		<p>Create 230.35(3)(am) as follows:</p> <p>Officials and employees of the state who have permanent status and who are members of the national guard, state defense force, or a reserve component of the United States armed forces and who are on military leave without pay for duly authorized inactive duty training or active duty for training, shall, upon reemployment immediately after such military training, receive credit for annual leave, sick leave and legal holidays as if they had remained continuously employed by the state.</p>	<p>This language provides benefits to employees who are on unpaid military leave that had been provided under collective bargaining agreements and are now provided in the compensation plan</p>

CHAPTER 230

Section	Description	Recommended Action	Rationale
230.35(4)(b) and (c) **	This section describes legal holiday provided to state employees.	<p>Amend (b) and (c) as follows:</p> <p>(b) Compensatory time off or payment, either of which shall be at the rate of time and one-half, shall be granted to state employees for all work performed on the holidays enumerated in par. (a) 1. to 9. This paragraph does not apply to employees whose positions are allocated to classifications that have legal holiday provisions in the compensation plan.</p> <p>(c) All employees except limited term employees shall receive 9 paid holidays annually in addition to any other authorized paid leave, the time to be at the discretion of the appointing authorities. This paragraph does not apply to employees whose positions are allocated to classifications that have legal holiday provisions in the compensation plan.</p>	<p>Weekend Nurses have historically had different legal holiday provisions because of their unique jobs. This change would allow the Compensation Plan to continue to address legal holidays of this unique classification.</p>
230.35(4)(d) *	This section describes personal holiday provided to state employees.	<p>Amend (d) as follows:</p> <p>In addition to the holidays granted under par. (c), all employees except limited term employees and those employees whose positions are allocated to classifications that have personal holidays provided or excluded by the compensation plan, shall earn 3.5 paid personal holidays each calendar year, plus one additional paid personal holiday each calendar year in recognition of Veterans Day. Eligibility to take the personal holidays during the year earned is subject to the following:</p> <ol style="list-style-type: none"> 1. Employees serving the first 6 months of a probationary period for an original appointment or as a trainee may anticipate the personal holidays earned during each year and be eligible to take the personal holidays during the probationary period, subject to subsequent completion of the first 6 months of the probationary period and also subject to subd. 3. If an employee does not complete the first 6 months of probationary service due to resignation, any holiday time taken under this paragraph shall then be considered approved leave without pay, and the agency shall recover from the employee the value of such time. For terminations by the Employer, personal holiday shall be prorated for the calendar year in which the termination occurs and personal holidays earned in a previous calendar year shall not be prorated or repaid. 2. Employees who have completed the first 6 months of a probationary period for an original appointment or as a trainee shall be eligible to take the paid holidays throughout the calendar year earned, subject to subd. 3. 3. Such holidays shall be taken at the discretion of the 	<p>Weekend Nurses and Crafts have historically had different personal holiday provisions because of their unique jobs and pay structures, respectively. This change would allow the Compensation Plan to continue address personal holidays of these unique classifications.</p> <p>Most employees, under collective bargaining agreements, have been eligible for prorated personal holidays if they did not complete the first 6 months of probationary service. This allows proration to continue. It also provides that proration will only occur for current year personal holidays to avoid proration of personal holidays that employees had to use prior to the end of the previous calendar year.</p>

CHAPTER 230

Section	Description	Recommended Action	Rationale
		<p>appointing authority who shall respect the wishes of the eligible employees as to the time of taking the holidays under this paragraph insofar as the needs of the service will permit.</p> <p>4. Personal holidays earned each year shall be noncumulative. However, if an appointing authority denies an employee the opportunity to take a personal holiday during the calendar year earned, the employee shall be permitted to carry over such day to the next year. In no event may such denial and carry-over occur in subsequent successive years.</p>	
<p>230.44(1)(c) *</p>	<p>This section identifies actions that are appealable to the Wisconsin Employment Relations Commission (WERC) and the types of employees who can file such appeals.</p>	<p>Amend (1)(c) as follows:</p> <p>(c) <i>Demotion, layoff, suspension or discharge.</i> If an employee has permanent status in class, or an employee has served with the state as an assistant district attorney or assistant state public defender attorney for a continuous period of 12 months or more, the employee may appeal a demotion, layoff, suspension, discharge or reduction in base pay to the commission as the final step in the state employee grievance procedure established under s. 230.04(14), if the appeal alleges that the decision was not based on just cause.</p>	<p>This change would allow assistant state public defender attorneys to file appeals at the WERC. All appeals of demotion, layoff, suspension or discharge must first undergo the agency and OSER grievance procedure before being appealed to the WERC. This provides the agencies and OSER with the opportunity to resolve employee grievances prior to a hearing before the WERC.</p>

* The 2011-2013 Compensation Plan already has language related to this change, pursuant to s. 230.12(2)(h)

** Anticipate adding language to the Compensation Plan, pursuant to s. 230.12(2)(h) if statute is not revised.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1662/1

RAC:...

5f

in 2/26

2013 BILL

Today
per
requester

- gov. cat

1 AN ACT ...; relating to: the state civil service.

Analysis by the Legislative Reference Bureau

This bill makes the following changes to the state civil service system:

X
X
1. Currently, an appointing authority may not appoint a person who is not a resident of this state to a limited term appointment, unless the administrator of the division of merit recruitment and selection may waive the prohibition for the reason that the appointed person's permanent work site is located outside this state. The bill allows the administrator to waive the non-residency prohibition in any circumstance.

2. The bill provides that an employee who has not obtained permanent status in class in a supervisory or management position and who is appointed to another supervisory or management position may be required to serve a probationary period.

3. Currently, assistant district attorneys who have served with the state for a continuous period of 12 months or more may only be removed, suspended without pay, discharged, reduced in base pay, or demoted for just cause. This bill grants assistant state public defenders the same rights.

4. The bill specifically provides that statutory provisions relating to annual, termination, and accumulated sabbatical leave, as well as paid holiday leave, are subject to the leave provision of the state compensation plan. Current law provides, generally, that the state compensation plan may include provisions relating to pay, benefits, and working conditions that supersede the provisions of the civil service and other applicable statutes and rules promulgated by the director of the Office of State Employment Relations and the administrator.

X
5. Generally, no state employee may take annual leave until he or she has completed the first 6 months of a probationary period for an original appointment.

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The bill provides that this prohibition does not apply to an employee who uses annual leave that he or she accrued while serving in an unclassified civil service position.

6. The bill provides that career executive employees and other management employees in the state civil service are entitled to all continuous service leave if they leave those positions and are subsequently reemployed in career executive and other management positions, regardless of the duration of their leave of absence.

7. The bill provides that officials and employees of the state who have permanent status in class and who are members of the national guard, state defense force, or a reserve component of the United States armed forces and who are on military leave without pay for authorized inactive duty training or active duty for training, shall, upon reemployment immediately after such military training, receive credit for annual leave, sick leave, and legal holidays as if they had remained continuously employed by the state.

8. The bill provides that if an employee is terminated, personal holidays are prorated for the calendar year in which the termination occurs and personal holidays earned in a previous calendar year are not prorated or repaid.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 230.26 (1m) of the statutes is repealed and recreated to read:

2 230.26 (1m) An appointing authority may not appoint a person who is not a
3 state resident to a limited term appointment unless approved by the administrator.

✓
4 **SECTION 2.** 230.28 (4) of the statutes is amended to read:

5 230.28 (4) A person reinstated in an employing unit other than one in which
6 the person previously served in permanent status in the class in which the person
7 is being reinstated, ~~or~~ an employee who transfers from one employing unit to another
8 ~~or~~, an employee who moves to a different employing unit in conjunction with a
9 voluntary demotion, and a person who had not obtained permanent status in class
10 in a supervisory or management position prior to appointment to another
11 supervisory or management position, may be required by the appointing authority

BILL

to serve a probationary period. Provisions for the duration of such probationary period shall be provided in the rules of the administrator.

History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9.

SECTION 3. 230.34 (1) (a) of the statutes is amended to read:

230.34 (1) (a) An employee with permanent status in class or an employee who has served with the state as an assistant district attorney or an assistant state public defender for a continuous period of 12 months or more may be removed, suspended without pay, discharged, reduced in base pay or demoted only for just cause.

History: 1971 c. 270 ss. 61, 76; Stats. 1971 s. 16.28; 1975 c. 189, 200; 1977 c. 196 ss. 56, 130 (3), (5); 1977 c. 273; Stats. 1977 s. 230.34; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 1989 a. 31; 1999 a. 102; 2003 a. 33; 2011 a. 10, 32; s. 13.92 (2) (i).

SECTION 4. 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney or an assistant state public defender for a continuous period of 12 months or more (ar).

NOTE: NOTE: Par. (ar) is affected by 2011 Wis. Acts 10 and 32 and merged by the legislative reference bureau under s. 13.92 (2) (i) effective 7-1-13 to read as shown below. The "(ar)" in brackets was inserted by Act 32 but rendered surplusage by the treatment by Act 10. NOTE:

(ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney for a continuous period of 12 months or more [(ar)].

History: 1971 c. 270 ss. 61, 76; Stats. 1971 s. 16.28; 1975 c. 189, 200; 1977 c. 196 ss. 56, 130 (3), (5); 1977 c. 273; Stats. 1977 s. 230.34; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 1989 a. 31; 1999 a. 102; 2003 a. 33; 2011 a. 10, 32; s. 13.92 (2) (i).

SECTION 5. 230.35 (1) (a) (intro.) of the statutes is amended to read:

230.35 (1) (a) (intro.) Except as provided in subs. (1m), (1r), and (1s) and the compensation plan under s. 230.12, appointing authorities shall grant to each person in their employ, except employees excluded from coverage under this subsection by the department by rule and limited-term employees, based on accumulated continuous state service, annual leave of absence without loss of pay at the rate of:

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10.

SECTION 6. 230.35 (1) (b) of the statutes is amended to read:

BILL

SECTION 6

230.35 (1) (b) An employee, with the approval of his or her appointing authority, may anticipate the annual leave which he or she could earn during the current calendar year, except that no employee shall be eligible to take annual leave until he or she has completed the first 6 months of a probationary period for an original appointment unless the employee uses annual leave that he or she accrued while serving in an unclassified position.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10.

SECTION 7. 230.35 (1m) (bt) (intro.) of the statutes is amended to read:

230.35 (1m) (bt) (intro.) An Except as otherwise provided in the compensation plan under s. 230.12, an employee who is not subject to the minimum wage and overtime requirements under the federal Fair Labor Standards Act, 29 USC 201 to 219, shall be entitled to annual leave of absence without loss of pay based upon accumulated continuous state service at the rate of:

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10.

SECTION 8. 230.35 (1m) (f) of the statutes is amended to read:

230.35 (1m) (f) The continuous service of an employee eligible for annual leave under this subsection shall not be considered interrupted if the employee was on an approved leave of absence to participate in providing specialized disaster relief services or if the employee leaves the service and is reemployed by the state in another position covered under this subsection. ~~If reemployed in a position not covered under this subsection the employee shall be required to meet the continuous service requirements of sub. (1) (g). This paragraph applies to all persons who are employees covered under this subsection on or after July 1, 1973. Employees~~ appointed to career executive positions under s. 230.24 or positions designated in s.

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1 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e) are not
2 subject to the continuous service requirements under sub. (1) (g) if they are
3 reemployed in any of those positions, regardless of the duration of their absence. If
4 the employees are reemployed in a position other than a career executive position or
5 a position designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized
6 under s. 230.08 (2) (e), continuous service shall be established in accordance with
7 rules of the director.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10.

8 **SECTION 9.** 230.35 (1p) (intro.) of the statutes is created to read:

9 **230.35 (1p)** (intro.) Except as otherwise provided in the compensation plan under s.

10 230.12:

11 **SECTION 10.** 230.35 (3) (am) of the statutes is created to read:

12 230.35 (3) (am) Officials and employees of the state who have permanent status
13 in class and who are members of the national guard, state defense force, or a reserve
14 component of the United States armed forces and who are on military leave without
15 pay for authorized inactive duty training or active duty for training, shall, upon
16 reemployment immediately after such military training, receive credit for annual
17 leave, sick leave, and legal holidays as if they had remained continuously employed
18 by the state.

19 **SECTION 11.** 230.35 (4) (b) of the statutes is amended to read:

20 230.35 (4) (b) ~~Compensatory~~ Except as otherwise provided in the compensation
21 plan under s. 230.12, compensatory time off or payment, either of which shall be at
22 the rate of time and one-half, shall be granted to state employees for all work
23 performed on the holidays enumerated in par. (a) 1. to 9.

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SECTION 11

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10.

SECTION 12. 230.35 (4) (c) of the statutes is amended to read:

230.35 (4) (c) All Except as provided in the compensation plan under s. 230.12,
all employees except limited term employees shall receive 9 paid holidays annually
in addition to any other authorized paid leave, the time to be at the discretion of the
appointing authorities.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10.

SECTION 13. 230.35 (4) (d) (intro.) of the statutes is amended to read:

230.35 (4) (d) (intro.) In addition to the holidays granted under par. (c) and
except as provided in the compensation plan under s. 230.12, all employees except
limited term employees shall earn 3.5 paid personal holidays each calendar year,
plus one additional paid personal holiday each calendar year in recognition of
Veterans Day. Eligibility to take the personal holidays during the year earned is
subject to the following:

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10.

SECTION 14. 230.35 (4) (d) 1. of the statutes is amended to read:

230.35 (4) (d) 1. Employees serving the first 6 months of a probationary period
for an original appointment or as a trainee may anticipate the personal holidays
earned during each year and be eligible to take the personal holidays during the
probationary period, subject to subsequent completion of the first 6 months of the
probationary period and also subject to subd. 3. If an employee does not complete the
first 6 months of probationary service due to resignation, any holiday time taken
under this paragraph shall then be considered approved leave without pay, and the

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1 agency shall recover from the employee the value of such time. If an employee is
2 terminated, personal holidays shall be prorated for the calendar year in which the
3 termination occurs and personal holidays earned in a previous calendar year may not
4 be prorated or repaid.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10.

5 **SECTION 15. 230.44 (1) (c) of the statutes is amended[✓] to read:**

6 230.44 (1) (c) *Demotion, layoff, suspension or discharge.* If an employee has
7 permanent status in class, or an employee has served with the state as an assistant
8 district attorney or an assistant state public defender[✓] for a continuous period of 12
9 months or more, the employee may appeal a demotion, layoff, suspension, discharge
10 or reduction in base pay to the commission as the final step in the state employee
11 grievance procedure established under s. 230.04 (14)[✓], if the appeal alleges that the
12 decision was not based on just cause.

History: 1977 c. 196; 1979 c. 221; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1991 a. 269; 1993 a. 16; 1995 a. 27; 1997 a. 307; 1999 a. 102; 2003 a. 33; 2009 a. 15, 28, 212.

13 (END)

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Wisconsin Department of Administration

101 East Wilson Street

Madison, WI 53702

Memo

To: Office of State Employment Relations

Per your request ... the attached fiscal estimate was prepared for your un-introduced 2013 session draft.

LRB Number: LRB-1662

Version: “/1”

Fiscal Estimate Prepared By: OSER

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 07 / 02 / 2013

*** * * * ***

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Un-introduced Draft*

- > **If re-drafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file “guts” ... after the draft's old version (the version that this fiscal estimate was based on), and just before re-draft of the updated version.
- > **If introduced** ... please make sure the attached fiscal estimate is for the **current version** ... write the draft's new introduction number below and give this packet to Mike (or Lori) to re-process the fiscal estimate (w/intro. number included).

THIS DRAFT WAS INTRODUCED AS: 2013 AB 263

Parisi, Lori

From: Parisi, Lori
Sent: Tuesday, July 02, 2013 2:55 PM
To: Hanks, Paul - OSER; Ostrowski, Paul - OSER
Cc: Annen, Kathy
Subject: LRB 13-1662/1 (un-introduced FE by OSER attached for your review) (Subject: State Compensation Plan Statutory Changes
Attachments: FE-1662_OSER.PDF